

FOR THE RECORD

UNCLASSIFIED

STATEMENT BY

LIEUTENANT GENERAL H STEVEN BLUM  
CHIEF, NATIONAL GUARD BUREAU

BEFORE THE

SENATE JUDICIARY COMMITTEE

FIRST SESSION, 110<sup>TH</sup> CONGRESS

ON

READINESS OF THE ARMY AND AIR NATIONAL GUARD

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NOT FOR PUBLIC DISSEMINATION  
UNTIL RELEASED BY  
COMMITTEE ON THE JUDICIARY

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Thank you for the opportunity to appear before you today. Throughout the long history of this nation, disaster response management has traditionally rested within the purview and prerogative of State governors. Thus, when a military response to a disaster is required, a Governor is able to employ his or her National Guard in a State-funded, State Active Duty status. Depending upon the circumstances, the Federal government may reimburse a State under the Stafford Act or other authorities. This concept of operations has been proven to be highly successful on myriad occasions for one simple reason: those first to respond and lead that response have the most complete knowledge of the environs and the troops employed in them, as well as the most at stake in the outcome – they are responding to the needs of their families, friends, and communities. Indeed, even for events as great as the destruction of the World Trade Center, it is clear that a professional and competent disaster response is well within the capability of the National Guard of the several states.

More recently, Hurricane Katrina wrought death and destruction on an unprecedented scale, and quickly exceeded the response capabilities immediately available to local and state authorities. The States of Mississippi and Louisiana required immediate assistance across a broad spectrum, ranging from law enforcement assets to materiel and provisions. Mississippi and Louisiana were able to obtain this assistance from other States under the Emergency Management Assistance Compact (EMAC).

The EMAC model enabled the Governors of 51 States and Territories to deploy nearly 50,000 National Guard members with law enforcement authority, vital supplies, and critical equipment to efficiently and effectively support the emergency response needs of Governors Barbour and Blanco. Those National Guard forces from 54 States and Territories in the first critical days of the disaster rescued more than 17,000 citizens in Mississippi and Louisiana from life-threatening circumstances and transported more than 70,000 citizens to shelter outside the devastated region. They were later joined on the ground by Active Component troops.

EMAC was the vehicle by which the Nation's Governors quickly and decisively initiated the largest and fastest military mobilization in the history of hundreds of thousands of National Guard responses to natural disasters. It was an historic case of massing the necessary forces with the right capabilities and deploying them to the right places under the control of the receiving Governors to save American lives on a scale larger than any other in the history of the Nation.

Shortly after the relief efforts got underway, I sought and obtained from the Secretary of Defense the authority to place the on-scene National Guard troops on orders under 32 USC 502(f). Doing so ensured commonality of entitlements, pay, liability coverage and other benefits while maintaining gubernatorial command and control of all National Guard forces from the respective state as well as those National Guard forces deployed to their states from throughout the Nation.

As it existed at the time of the Hurricane Katrina disaster, the Insurrection Act permitted the President to call the militia into Federal service to suppress insurrections and to enforce the law, including when State authorities were unable or unwilling to secure the Constitutional rights of their citizens. Rarely in U.S. history has this authority been employed. In fact, the National Guard has been federalized under the provisions of the Insurrection Act only ten (10) times since World War II as follows:

**1957-1958 - Little Rock, Arkansas (Desegregation of Central High School)**

24 September 1957 to 29 May 1958; authorized by Executive Order (EO) 10730 of 23 September 1957

9,873 total called from Arkansas Army National Guard (ARNG) and Air National Guard (ANG) – 8,973 released from active duty 10 November 1957, the remaining 900 retained on Active Duty until 29 May 1958

Governor Orval Faubus of Arkansas had initially ordered his National Guard to surround Central High School to prevent black enrollments, claiming he did this to protect citizens and property from riots should they be allowed to enroll. Later, after meeting with President Eisenhower, Faubus withdrew the Guardsmen and, when black students enrolled, rioting broke out which Faubus failed to stop. At the request of the mayor of Little Rock and an Arkansas congressman, President Eisenhower sent federal assistance in the form of U.S. Marshals, then placed the Arkansas National Guard under federal control and deployed 1,000 paratroopers from the 101<sup>st</sup> Airborne Division to assist in maintaining order.

**1962 – Oxford, Mississippi**

30 September 1962 – 23 October 1963; authorized by EO 11053 of 30 September 1962

10,927 total Mississippi Guard called up (9,894 ARNG – 122 units; 1,033 ANG – 4 units)

The University of Mississippi in Oxford refused to enroll James Meredith despite a court order to do so. President Kennedy told the nation he “federalized the Mississippi National Guard as the most appropriate instrument, should any be needed, to preserve law and order while U.S. Marshals carried out the orders of the court ...”

**1963 – Tuscaloosa, Alabama**

11 June - 11 July 1963; authorized by EO 11111 of 11 June 1963

16,463 AL Guard called (14,435 ARNG – 154 units; 2,028 ANG – 17 units)  
After Governor George Wallace stood in the doorway of the University of Alabama at Tuscaloosa to prevent integration, President Kennedy federalized the Alabama National Guard. Wallace left the university grounds after being informed by Major General Henry Graham, Commanding General of the 31<sup>st</sup> Infantry Division, "Governor Wallace, it is my sad duty to inform you that the National Guard has been federalized. Please stand aside so that the order of the court can be accomplished."

### **1963 – Integration of Public Schools, Alabama**

10-14 September 1963; authorized by EO 11118 of 10 September 1963  
All of the Alabama National Guard called to active duty but held on standby in armories for these five days. Incident precipitated by the integration of Tuskegee High School in Huntsville, Alabama.

### **1965 – Selma to Montgomery Civil Rights March, Alabama**

20-29 March 1965; authorized by EO 11207 of 20 March 1965  
Total of 4,000 Alabama ARNG and ANG federalized.  
On 7 March 1965, Alabama State Troopers and deputies beat civil rights marchers in the outskirts of Selma as they were beginning a peaceful march from Selma to Montgomery. National outrage at the televised images led to President Johnson's federalization of the Alabama National Guard to protect the marchers when they left Selma for Montgomery a second time on 21 March.

### **1967 – Detroit Riots**

23 July - 2 August 1967; authorized by EO 11364 of 24 July 1967  
10,253 Michigan ARNG federally mobilized.

### **1968 – King Assassination Riots**

5-16 April 1968; authorized by EO 11403 of 5 April 1968 (1,854 DC National Guard)  
7-11 April 1968; authorized by EO 11404 of 7 April 1968 (7,174 Illinois National Guard in Chicago)  
7-12 April 1968; authorized by EO 11405 of 7 April 1968 (5,783 Maryland National Guard in Baltimore).  
Total 14,811 Guardsmen federalized in two states and the District of Columbia.

### **1970 - New York City Postal Strike**

17-25 March 1970; authorized by EO 11519 of 23 March 1970  
28,100 total Active and Reserve (26,273 Reserve, which included 10,845 ARNG and 1,876 ANG)  
More than 1,000 troops delivered mail in New York City's financial district; the remainder sorted mail and kept strikers from interfering with delivery.

### **1989 – Virgin Islands (Hurricane Hugo)**

Initially, beginning on 16 September 1989, Governor Alexander Farrelly called up troops under a Territorial mobilization

On 20 September 1989 via EO 12690, President Bush invoked the Insurrection Act to federalize the National Guard to impose order following violence and looting in the wake of Hurricane Hugo.

Virgin Islands reported 954 ARNG and 29 ANG personnel mobilized for the year.

### **1992 – Los Angeles (Rodney King) Riots**

At the request of Governor Pete Wilson, 11,398 California Guardsmen mobilized under state active duty call up.

After two days, President Bush invoked the Insurrection Act and called the National Guard into federal service via EO 12804 of 1 May 1992. Virtually the entire 40<sup>th</sup> Infantry Division was mobilized.

As evidenced above, U.S. Presidents invoked the Insurrection Act when a Governor requested such a decree or when State authorities were clearly unable or unwilling to secure the Constitutional rights of their citizens. When this authority is employed it takes control of a state's National Guard from the Governor and places command and control within the Federal government. This requires the federalized National Guard forces to perform missions assigned by the federal government, where and when specified, which may not be consistent with a Governor's direction that these forces conduct lifesaving, law enforcement or other critical emergency functions in support of the State emergency management agencies and incident commanders.